

From: ["Bryan, David" </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE:GROUP \(FYDIBOHF23SPDLT\)/CN=RECIPIENTS/CN=DE67FD66319E475AA76B7FB0C64D64B5-BRYAN.DAVID>](mailto:Bryan.David@EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE:GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DE67FD66319E475AA76B7FB0C64D64B5-BRYAN.DAVID)

To: [Bustos](#)
[Patrick;Frizzell](#)
["Damon;R7 Senior" <Staff;Slugantz>](#)
[Lynn](#)

CC:

Date: 9/30/2014 8:19:29 AM

Subject: OPA Morning Clips - 9/30/14

St. Louis Post-Dispatch - Looking for intelligent decisions to fight landfill fire - 9/30/14 - The current state of affairs at the Bridgeton landfill is a modern-day comedy created by whoever is responsible for the contents ("Fear of bird strikes figures into future of landfills," Sept. 28). http://www.stltoday.com/news/opinion/mailbag/looking-for-intelligent-decisions-to-fight-landfill-fire/article_f56c661c-0291-5a57-8e83-d3c0c81ad0cd.html

Associated Industries of Missouri - Proposed EPA regulations will harm Missouri industries - 9/24/14 - Energy consumers throughout the State of Missouri will soon feel the impact of recently issued regulations from the Environmental Protection Agency that seek to limit carbon emissions from the U.S. power fleet. <http://aimo.com/2014/09/24/proposed-epa-regulations-will-harm-missouri-industries/>

Kansas Dental Association - EPA proposes rule requiring dentists to install amalgam separators - 9/25/14 - The U.S. Environmental Protection Agency (EPA) today proposed a rule under the Clean Water Act requiring dentists to install amalgam separators to help cut discharges of dental amalgam to the environment. <http://www.ksdental.org/epa-proposes-rule-requiring-dentists-to-install-amalgam-separators/>

Des Moines Register - Branstad speaks against proposed EPA water rule - 9/30/14 - Gov. Terry Branstad joined a coalition of agriculture, business and government leaders Monday to voice opposition to a proposed rule they say could require farmers to get federal permits to do work around ditches, culverts and irrigation ponds. <http://www.desmoinesregister.com/story/money/agriculture/2014/09/30/branstad-oppose-proposed-water-rule/16465289/>

NOTE: Paywall issues may keep you from seeing this article. Full text is included at the end of this email.

Des Moines Register - Feds should rethink the clean-water rules - 9/29/14 - We agree that clean water requires good, clear, well-designed regulations. Unfortunately, the ones currently being proposed are not. <http://www.desmoinesregister.com/story/opinion/columnists/iowa-view/2014/09/30/debi-durham-mike-ralston-clean-water-act/16462923/>

NOTE: Paywall issues may keep you from seeing this article. Full text is included at the end of this email.

AgWires - NACD Meets With EPA on WOTUS - 9/29/14 - Representatives of the National Association of Conservation Districts (NACD) met with Environmental Protection Agency (EPA) officials last week to express concerns on behalf of member conservation districts regarding the proposed "Waters of the U.S." (WOTUS) rule. <http://agwired.com/2014/09/29/nacd-meets-with-epa-on-wotus/>

KCCI Ch. 8 Des Moines, Iowa - EPA: Company must pay nearly \$1M for violations - 9/29/14 - Environmental officials say a pipe company must pay \$950,000 for air and water violations at its former Council Bluffs facility. <http://www.kcci.com/news/epa-company-must-pay-nearly-1m-for-violations/28325048>

WOWT Ch. 6 Omaha, Neb. - Polluting Company, EPA Reach Agreement - 9/29/14 - The Council Bluffs plant closed down months ago, but Monday, the EPA announced Griffin

Pipe Products has agreed to pay a nearly \$1 million dollar penalty to resolve Clean Air Act and Clean Water Act Violations. <http://www.wowt.com/home/headlines/Polluting-Company-EPA-Reach-Agreement-277480311.html>

Lincoln Journal-Star - Editorial: Seize the moment on climate change - 9/30/14 - The UNL report released last week could mark the moment that Nebraska started to prepare for climate change. Twelve states already have climate adaptation plans. It's time for Nebraska's elected officials and other policymakers to go to work. http://journalstar.com/news/opinion/editorial/editorial-seize-the-moment-on-climate-change/article_e3143f0a-b145-5281-be62-1b58493b5c1b.html

Kansas City Star - Editorial: Local actions can help combat global climate change - 9/27/14 - Fighting climate change starts at home. In this region, that includes a million households, tens of thousands of businesses, and many local, state and federal government offices. <http://www.kansascity.com/opinion/editorials/article2260664.html>

Columbia Tribune (Mo.) - Opinion: MU seems conflicted on climate change - 9/28/14 - MU is quick to advertise its "greenness," but covert programs such as this only leave one wondering where the university's heart is. We must pursue every option to reduce greenhouse gas emissions as quickly as possible. Please do whatever you can, and that goes for MU as well. http://www.columbiatribune.com/opinion/oped/mu-seems-conflicted-on-climate-change/article_7742ffb7-fcc2-5828-8a2e-9a37bc484f15.html

WaterWorld - Iowa City Successfully Meets Nitrogen Removal Challenge with Vertical Loop Reactors - 9/29/14 - Economic development has its price, and sometimes it calls for major upgrades to a community's wastewater treatment facilities. Such was the case in the city of Fort Dodge, Iowa. <http://www.waterworld.com/articles/print/volume-30/issue-9/weftec-show-preview/iowa-city-successfully-meets-nitrogen-removal-challenge-with-vertical-loop-reactors.html>

Lincoln Journal-Star - State will release oil train information, Heineman says - 9/30/14 - Reversing earlier policy, Gov. Dave Heineman said Monday officials will release information on crude oil shipments crossing the state by train. "I believe we've received notice from the Attorney General's Office that those shipments will be made public," Heineman said at a news conference Monday. http://journalstar.com/business/local/state-will-release-oil-train-information-heineman-says/article_d1392a44-0678-5935-b7b0-b72dbcf5b1f9.html

Lincoln Journal-Star - Developer plans 11,000-acre Nebraska wind farm - 9/13/14 - An international company has applied for permits to build a wind farm with 54 turbines in southern Lancaster and northern Gage counties. http://journalstar.com/news/local/developer-plans-acre-nebraska-wind-farm/article_818e9d7f-48d4-5ab8-99da-46108304a4ed.html

Des Moines Register

Branstad speaks against proposed EPA water rule

By Joel Aschbrenner
September 30, 2014

Gov. Terry Branstad joined a coalition of agriculture, business and government leaders Monday to voice opposition to a proposed rule they say could require farmers to get federal permits to do work around ditches, culverts and irrigation ponds.

The proposal from the U.S. Environmental Protection Agency aims to clarify which waterways fall under federal oversight.

Branstad said the rule would add bureaucratic layers, making it more difficult for farmers to implement conservation practices that improve water quality.

The EPA "is blind to what is really going on in the real world," he said. "To me, it seems like maybe good intentions, but counterproductive."

But farm conservation practices aimed at improving water quality are only voluntary and more oversight is needed, environmental groups say.

"It's not burdensome. It's clearly what is needed to protect our water from dirty ag, from corporate ag," said Deborah Bunka, a volunteer with Iowa Citizens for Community Improvement.

Members of the group demonstrated outside the meeting, which was organized by the Homebuilders Association of Iowa and held at the Iowa Association of Business and Industries office in downtown Des Moines. Their chanting was loud enough to briefly disrupt the meeting.

"They ought to quit shouting and start listening to the people who will be most affected," Branstad said. The proposed rule "is going to prevent the things we're doing to clean the water."

The EPA has said the rule does not expand its authority and that all normal farming practices are exempt.

Representatives of the Iowa Department of Natural Resources, the Iowa Department of Transportation, the Iowa League of Cities and several agriculture and business groups, though, said the proposed rule was too ambiguous.

Joel Brinkmeyer, CEO of the Agribusiness Association of Iowa, said he is concerned it could require farmers to obtain a federal permit anytime they spray fertilizer.

"We believe strongly that this rule cannot be amended to be fixed," he said. "It needs to be ditched."

Iowa Secretary of Agriculture Bill Northey said the National Association of State Departments of Agriculture recently voted to ask the EPA to drop the proposed rule, rather than try to alter it.

"This rule, from our point of view, isn't even fixable, certainly not with the attitude the EPA has right now," he said.

Des Moines Register

Feds should rethink the clean-water rules

By Debi Durham and Mike Ralston
September 29, 2014

Earlier this year the U.S. Environmental Protection Agency and the Army Corps of Engineers proposed sweeping changes to the federal Clean Water Act regulations that promise to have a significant impact on development in Iowa.

These changes have been called a "federal land grab" and even a "regulatory attack on our economy." The proposed changes are neither of those things, and it isn't constructive to demagogue the issue or trivialize the real problem we have with water quality in this state.

However, that doesn't mean the proposed changes are good regulations, either.

A good regulation would be clear, so everyone knows what is allowed and when a permit is required. Instead, the proposed regulations are less clear than current law and promise to be tied up in the courts for years to come, creating uncertainty within industries and communities across the state.

=====

This uncertainty stems from a change to the manner in which the federal government will determine which bodies of water to regulate. Today, because its authority is constitutionally limited to matters that affect interstate commerce, the federal government regulates interstate bodies of water, bodies of water traditionally considered "navigable" and other bodies of water that have relatively permanent levels of flow.

In other words, the public can usually determine, without special expertise, when a permit is required by assessing whether a tributary contributes flow to a larger body of water like the Mississippi River.

However, the proposed regulations scrap this common sense approach in favor of a nebulous "significant nexus" standard. The regulations say that this standard requires something that is "more than speculative," but exactly what that means will almost certainly be left to the courts.

=====

The likely result is that future permitting determinations will rest not on common sense but on the scientific findings of federal regulators. Only the deepest of pockets will be able to hire the experts necessary to dispute such findings, tilting the playing field even further in the direction of the federal government.

A good regulation would also engage state governments, local communities and affected industries as active partners in the regulatory decision-making process. Instead, the proposed regulations seek to federalize many of the land use and economic development decisions that should be made by state officials and local communities. By its own admission, the federal government's proposed regulations expand the scope of its jurisdiction by at least 3 percent and likely by much more than that.

Because there are civil and even criminal penalties imposed for failing to obtain the necessary federal permits, prudent landowners will err on the side of seeking one if there is even a little uncertainty. And, again, for many years, there will be much uncertainty while disputes wind their way through the courts.

=====

Meanwhile, the creation of new jobs and new neighborhoods will be delayed while local businesses and developers anxiously await the result of critical federal permitting decisions, which can take hundreds of days. Though it's not fair to accuse the EPA or the Army Corps of deliberately halting economic development, it is fair to say that no one cares more about local water quality than those of us who drink it and swim in it.

And when it comes time to decide how best to improve our water quality without affecting our jobs and our homes, it ought to be done by those of us with the most at stake in the outcome.

A good regulation would also be undertaken only after a thorough and forthright analysis of all of the costs and benefits involved. Instead, the federal government's economic analysis is skewed heavily in favor of the benefits of regulation and neglects to account for some of the most basic and predictable costs, such as the economic impact of permitting delays.

Large industrial projects can calculate to the dollar how much revenue will be lost per day while a plant sits idle. Housing developers and landlords can amortize the financing cost of bridge loans and lost rents for each day they cannot recoup their investments. Yet the federal government cannot be troubled to make even rudimentary estimates as to the economic impacts of their permitting processes.

=====

We shouldn't expect water quality to improve without sensible regulations, and even sensible regulations will carry some private sector costs. But the federal government should know what these costs are and communicate them to the public. We all want clean water, but as we collectively decide how to pursue that goal, we must be able to make informed decisions about the tradeoffs involved.

Finally, a good regulation would take account of and plan for unintended consequences. Instead, the federal government's proposed regulation seems to be more concerned with asserting federal control over local water bodies than it is with seeing that local water quality actually improves.

For example, farmers, ranchers and even water quality advocates have noted that the proposed regulation is likely to curtail many voluntary water quality improvement projects if such projects would trigger the cost and delay of seeking federal permits. Again, such unintended consequences are precisely why the federal government needs to better engage state governments, local communities, and affected industries.

For all these reasons, the EPA and the Army Corps should reconsider their proposed Clean Water Act regulations. It is possible to construct good, well-considered regulations. In fact, the EPA itself has done a better job engaging state and local stakeholders as part of its Clean Air Act proposals which try to take into account the unique situation of each state and encourage the implementation of plans that are flexible and achievable.

We agree that clean water requires good, clear, well-designed regulations. Unfortunately, the ones currently being proposed are not.

=====

DEBI DURHAM is director of the Iowa Economic Development Authority. MIKE RALSTON is president of the Iowa Association of Business and Industry. Contact: communications@iowaeconomicdevelopment.com.

David W. Bryan, APR
Press Officer/Public Affairs Specialist
Region 7 Office of Public Affairs
Environmental Protection Agency
11201 Renner Blvd, Lenexa, KS 66219
Phone - 913.551.7433
bb: 816.519.0697
Email - bryan.david@epa.gov

<http://www.facebook.com/eparegion7>
www.twitter.com/EPAregion7
www.scribd.com/eparegion7